

## INITIATIVE 647

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copies of Initiative Measure No. 646 and Initiative Measure No. 647 are true and correct copies as they were received by this office.

**Reviser's note:** Multiple initiatives were certified by this certificate. Each is filed as a separate document.

1 AN ACT Relating to the utilities and transportation commission; and  
2 amending RCW 80.01.010, 80.01.020, 80.01.040, 80.01.050, and 80.01.090.

3 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 80.01.010 and 1961 c 307 s 4 are each amended to read  
5 as follows:

6 There is hereby created and established a state commission to be  
7 known and designated as the Washington utilities and transportation  
8 commission, and in this chapter referred to as the commission.

9 The commission shall be composed of ~~((three))~~ four elected members  
10 ~~((appointed by the governor, with the consent of the senate. Not more~~  
11 ~~than two members of said commission shall belong to the same political~~  
12 ~~party.~~

13 ~~The members of the first commission to be appointed after taking~~  
14 ~~effect of this section shall be appointed for terms beginning April 1,~~  
15 ~~1951, and expiring as follows: One commissioner for the term expiring~~  
16 ~~January 1, 1953; one commissioner for the term expiring January 1,~~  
17 ~~1955; one commissioner for the term expiring January 1, 1957. Each of~~  
18 ~~the commissioners shall hold office until his successor is appointed~~  
19 ~~and qualified. Upon the expiration of the terms of the three~~

~~commissioners first to be appointed as herein provided, each succeeding commissioner shall be appointed and hold office for the term of six years. One of such commissioners to be designated by the governor, shall, during the term of the appointing governor, be the chairman of the commission))~~ known as commissioners.

Each commissioner shall receive a salary as may be fixed by the governor in accordance with the provisions of RCW 43.03.040.

Any member of the commission may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a special tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time, place and procedure for the hearing, and the hearing shall be public. The decision of such tribunal shall be final and not subject to review.

If the tribunal specified herein finds the charges of the governor to be true, the governor shall have the right to immediately remove the commissioner from office, to declare the position of the commissioner vacant, and appoint another commissioner to the position ~~((in accordance with the provisions of the law))~~ until the next general election. A commissioner elected to fill a vacancy serves until the end of the term for the vacated position, and then may stand for reelection on the same terms as the other commissioners.

Any vacancy arising in the office of commissioner shall be filled by temporary appointment by the governor, and an appointee selected to fill such vacancy shall hold office ~~((for the balance of the full term for which his predecessor on the commission was appointed))~~ until the next general election. A commissioner elected to fill a vacancy serves until the end of the term for the vacated position, and then may stand for reelection on the same terms as the other commissioners.

If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he or she shall present to the senate ~~((his))~~ the nomination or nominations for the office to be filled.

The first election for this commission will be the general election in November 1995. A candidate for commissioner must be registered to vote. The term of office is four years. Commissioners take office on

1 the Wednesday after the second Monday of January following their  
2 election.

3       **Sec. 2.** RCW 80.01.020 and 1961 c 14 s 80.01.020 are each amended  
4 to read as follows:

5       Each commissioner shall, before entering upon the duties of his or  
6 her office, take and subscribe the constitutional oath of office, and  
7 furnish bond to the state in the sum of twenty thousand dollars  
8 conditioned for the faithful discharge of the duties of his or her  
9 office and for the proper accounting for all funds that may come into  
10 his or her possession by virtue of ((his)) the office. ((Each  
11 commissioner shall be a qualified elector of this state and no person  
12 in the employ of or holding any official relation to any corporation or  
13 person, which corporation or person is subject in whole or in part to  
14 regulation by the commission, and no person owning stocks or bonds of  
15 any such corporation or who is in any manner pecuniarily interested  
16 therein shall be appointed or hold the office of commissioner or be  
17 appointed or employed by the commission: PROVIDED, That if any such  
18 person shall become the owner of such stocks or bonds or become  
19 pecuniarily interested in such corporation otherwise than voluntarily,  
20 he shall within a reasonable time divest himself of such ownership or  
21 interest, and failing to do so his office or employment shall become  
22 vacant.))

23       **Sec. 3.** RCW 80.01.040 and 1985 c 450 s 10 are each amended to read  
24 as follows:

25       The utilities and transportation commission shall:

26       (1) Exercise all the powers and perform all the duties prescribed  
27 therefor by this title and by Title 81 RCW, or by any other law.

28       (2) Regulate in the public interest, as provided by the public  
29 service laws, the rates, services, facilities, and practices of all  
30 persons engaging in the transportation by whatever means of persons or  
31 property within this state for compensation, and related activities;  
32 including, but not limited to, air transportation companies, auto  
33 transportation companies, express companies, freight and freight line  
34 companies, motor freight companies, motor transportation agents,  
35 private car companies, railway companies, sleeping car companies,  
36 steamboat companies, street railway companies, toll bridge companies,  
37 storage warehousemen, and wharfingers and warehousemen.

1       (3)(a) Regulate in the public interest, as provided by the public  
2 service laws, the rates, services, facilities, and practices of all  
3 persons engaging within this state in the business of supplying any  
4 utility service or commodity to the public for compensation, and  
5 related activities; including, but not limited to, electrical  
6 companies, gas companies, irrigation companies, telecommunications  
7 companies, and water companies whether public or private.

8       (b) Regulate the rates for all local telephone service, all coin-  
9 operated telephone service, intra-lata long distance, all directory  
10 assistance within the 206, 509, and 360 area codes, and all sewage and  
11 garbage service regardless of whether the service is provided by a  
12 private or public entity. All rates not previously regulated by the  
13 commission shall be filed with the commission after January 15, 1996,  
14 and before February 15, 1996. The commission may not permit any charge  
15 associated with an 800 number telephone call.

16       (4) Make such rules and regulations as may be necessary to carry  
17 out its other powers and duties.

18       **Sec. 4.** RCW 80.01.050 and 1961 c 14 s 80.01.050 are each amended  
19 to read as follows:

20       ~~((A majority of the))~~ (1) Three commissioners shall constitute a  
21 quorum for the transaction of any business, for the performance of any  
22 duty, or for the exercise of any power of the commission, and may hold  
23 hearings at any time or place within or without the state. Any  
24 investigation, inquiry or hearing which the commission has power to  
25 undertake or to hold may be undertaken or held by or before any  
26 commissioner or any examiner designated and authorized by the  
27 commission as provided in RCW 80.01.060. All investigations, inquiries  
28 and hearings of the commission, and all findings, orders or decisions,  
29 made by a commissioner, when approved and confirmed by the commission  
30 and filed in its office, shall be and be deemed to be the orders or  
31 decisions of the commission.

32       (2) Three commissioners must approve or confirm any action by the  
33 commission or any individual commissioner.

34       **Sec. 5.** RCW 80.01.090 and 1987 c 505 s 77 are each amended to read  
35 as follows:

36       All proceedings of the commission and all documents and records in  
37 its possession shall be public records, and it shall adopt and use an

1 official seal. Subject to RCW 40.07.040, the commission shall make and  
2 submit to the governor and the legislature a biennial report containing  
3 a statement of the transactions and proceedings of its office(~~(~~  
4 ~~together with the information gathered by the commission and such other~~  
5 ~~facts, suggestions, and recommendations as the governor may require or~~  
6 ~~the legislature request)~~)).

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All utilities (water, sewage, garbage and telephone) shall be required to have a public office in all cities of 10,000 population or over where payments and service arrangements may be made in person. In the event cities are located within 10 miles the office shall be located in the most centrally located city.

All local telephone companies in Washington shall be able to have long distance between the Seattle and Spokane Latas.